IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2305 OF 2004

Gulab Aabasha Bhosale ...Petitioner
Vs.
The State of Maharashtra ...Respondent

Mrs. Sharmila S. Kaushik for the Petitioner.
Shri.R.Y. Mirza, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATED : JULY 21, 2005.

P.C.:

1. Heard Advocate for the Applicant and the learned A.P.P.for the State. It appears that Application for furlough leave made by the Petitioner was rejected by order dated 28th November, 2003. Thereafter, the Petitioner applied for parole. The documents shown to me by the learned A.P.P. indicate that application for parole is still not decided and it is kept pending.

2. In so far as rejection for grant of furlough leave is concerned, I find no fault as clause No.2 in Rule 4 of the Prisons (Bombay Furlough and Parole) Rules, 1959 has been rightly invoked.

3. However, Application for parole leave cannot be kept pending by the Divisional Commissioner, Pune Division, Pune and same will have to be disposed of expeditiously. Considering the fact that the Application for parole is pending for long time and the Petitioner has been denied furlough leave, it will be open for the Petitioner to apply afresh for grant

of parole if any other ground is now available for applying for parole.

4. Hence, I pass the following order:

: O R D E R :

i) The pending application of the Petitioner for grant of Parole shall be decided by the competant authority within a period of ten weeks from today.

ii) If the Petitioner makes a fresh application for parole, the same shall be decided by the competent authority on its own merits and shall be decided as expeditiously as possible and preferably within a period of twelve weeks from the date of making application for parole.

iii) Petition is disposed of in above terms.

iv) Copy of this order may be forwarded to the Petitioner.

JUDGE